

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:16-cv-00588-FDW

CHERYL GRASSO, )  
                        )  
Plaintiff,           )  
                        )  
vs.                    )  
                        )  
WELLS FARGO BANK, N.A., )  
                        )  
Defendant.           )

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ORDER  
and  
NOTICE OF HEARING

THIS MATTER is before the Court on Defendant's Motion for Summary Judgment (Doc. No. 17), which has been fully briefed by the parties (Docs. No. 18, 22, 23, 24, 25-1, 27). After reviewing the pleadings, exhibits thereto, and applicable law, the Court has determined that oral argument would not aid the decisional process in this matter.

Based on the record before the Court, it DENIES Defendant's motion for summary judgment (Doc. No. 17) as to both of Plaintiff's claims. Defendant has failed to establish there is no genuine issue as to any material fact and that Defendant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). In short, Defendant's arguments in support of summary judgment rest on credibility determinations of witnesses and the weighing of evidence, which the Court cannot do at this stage. "Credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge . . . ruling on a motion for summary judgment." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986).

In light of this ruling, TAKE NOTICE that this matter shall be set for docket call on Monday, July 10, 2017.<sup>1</sup> A pretrial conference will take place during docket call on Monday, July

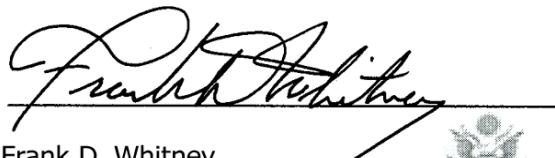
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<sup>1</sup> The Court notes that its mixed trial term for July was moved from July 3, 2017, to July 10, 2017, after issuance of the Case Management Order in this case. Counsel and the parties should take note of the new date for docket call.

10, 2017, at 9:00 a.m. in Courtroom #1-1 of the Charles R. Jonas Federal Building, 401 W. Trade Street, Charlotte, North Carolina, 28202. Accordingly, the parties' joint pretrial submissions—as set forth in the Case Management Order for this case—shall be due Friday, June 30, 2017. See Doc. No. 6. Jury selection will take place on Tuesday, July 11, 2017.

IT IS SO ORDERED.

Signed: June 7, 2017



Frank D. Whitney  
Chief United States District Judge

